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Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

**PLANT PATENT  
APPLICATION (35 USC §161)  
DECLARATION**

☒ Declaration Submitted with Initial Filing **OR** ☐ Declaration Submitted after Initial Filing

Attorney Docket Number **W-3908**

First Named Inventor **ANGEL A. GARGIULO**

**COMPLETE IF KNOWN**

Application Number

Filing Date

Group Art Unit

Examiner Name



As a below named inventor, I hereby declare that:

My residence, post office address, and citizenship are as stated below next to my name.

I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the new and distinct variety of:

**GRAPEVINE**

plant named: **GRAPEVINE "90-3437"**

which is claimed and for which a plant patent is sought, the specification of which

☒ is attached hereto **OR** ☐ was filed on (MM/DD/YYYY) as United States

Application Number and was amended on (MM/DD/YYYY) (if applicable).

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claim, as amended by any amendment specifically referred to above.  
I have asexually reproduced the plant to which this application applies.

☒ Said plant was found in a cultivated area (check this box for newly found plant only)

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37 Code of Federal Regulations, § 1.56.

I hereby claim foreign priority benefits under Title 35, United States Code §119 (a)-(d) or §365(b) of any foreign application(s) for patent or inventor's certificate, or §365(a) of any PCT international application which designated at least one country other than the United States of America, listed below and have also identified below, by checking the box, any foreign application for patent or inventor's certificate, or of any PCT international application having a filing date before that of the application on which priority is claimed.

Prior Foreign Application Number(s)	Country	Foreign Filing Date (MM/DD/YYYY)	Check Only if Priority Not Claimed	Certified Copy Attached? YES NO
			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
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			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>
			<input type="checkbox"/>	<input type="checkbox"/> <input type="checkbox"/>

Additional foreign application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto:

I hereby claim the benefit under Title 35, United States Code § 119(e) of any United States provisional application(s) listed below.

Application Number(s)	Filing Date (MM/DD/YYYY)	<input type="checkbox"/> Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

[Page 1 of 2]

Burden Hour Statement: This form is estimated to take 0.4 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

**Express Mail Label**  
No. **EM440646734US**

RIOS CAS  
 NOTARIO  
 Reg. No. 50000  
 San Rafael, Nariño, 101101

Type a plus sign (+) inside this box → +

PTO/SB/03 (3-97)  
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Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

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## DECLARATION – Plant Patent Application

I hereby claim the benefit under Title 35, United States Code §120 of any United States application(s), or §365(c) of any PCT international application designating the United States of America, listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States or PCT International application in the manner provided by the first paragraph of Title 35, United States Code §112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

U.S. Parent Application Number	PCT Parent Number	Parent Filing Date (MM/DD/YYYY)	Parent Patent Number (if applicable)

☐ Additional U.S. or PCT international application numbers are listed on a supplemental priority data sheet PTO/SB/02B attached hereto.

As a named inventor, I hereby appoint the following registered practitioner(s) to prosecute this application and to transact all business in the Patent and Trademark Office connected therewith:

☐ Customer Number

OR

☒ Registered practitioner(s) name/registration number listed below

Place Customer  
Number Bar Code  
Label here

Name	Registration Number	Name	Registration Number
RODNEY K. WORREL	27,475		

☐ Additional registered practitioner(s) named on supplemental Registered Practitioner Information sheet PTO/SB/02C attached hereto.

Direct all correspondence to: ☐ Customer Number or Bar Code Label

OR ☒ Correspondence address below

Name	Rodney K. Worrel, WORREL & WORREL				
Address	St. Croix Professional Center				
Address	2109 W. Bullard Avenue, Suite 121				
City	Fresno	State	CA	ZIP	93711-1258
Country	U.S.A.	Telephone	(559)431-4391	Fax	(559)431.4387

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Name of Sole or First Inventor:

☐ A petition has been filed for this unsigned inventor

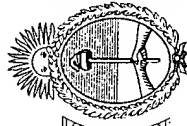
Given Name (first and middle (if any))		Family Name or Surname	
ANGEL A.		GARGIULO	
Inventor's Signature	July 26 <sup>th</sup> 2001		Date
Residence: City	San Rafael	State	Mendoza
Country	Argentina	Citizenship	SA
Post Office Address	S. Butti #77, San Rafael (5,600), Mendoza, Argentina		
Post Office Address	S. Butti #77, San Rafael (5,600), Mendoza, Argentina		
City	San Rafael	State	Mendoza
ZIP	5,600	Country	Argentina

☐ Additional inventors are being named on the supplemental Additional Inventor(s) sheet(s) PTO/SB/02A attached hereto

Corresponde actuación notarial  
No. 0077 San Rafael Mendoza, 26/07/01

NOTARIO  
Reg. No. 57

N° 000114946



SERIE C



LEGALIZACION

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G A L I Z A D O

para legalización

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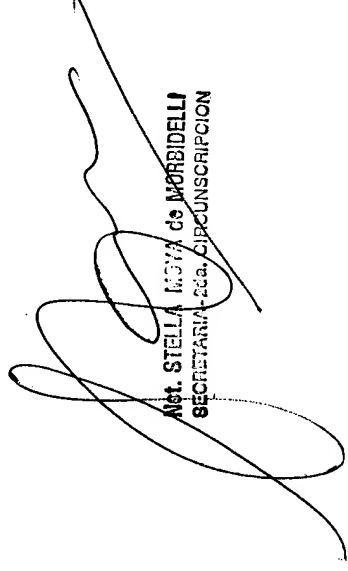
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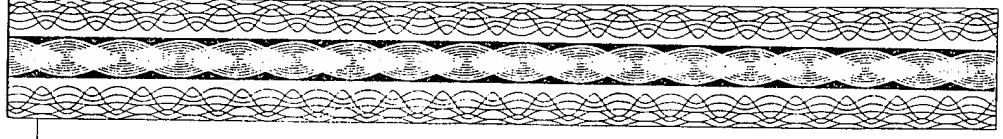
EL COLEGIO NOTARIAL de Mendoza, República Argentina, en  
virtud de las facultades que le acuerdan las Leyes vigentes, LEGALIZA la  
firma y el sello del Notario . ANIBAL. R.. RIOS. CASTRILLON.....  
.....óbrantes en el documento anexo, presentado  
en el día de la fecha bajo el N° 00784.152..... Serie . H.....

La presente legalización no juzga sobre el contenido y forma del  
documento.-

Mendoza, San Rafael, 27 de Julio de 2001



  
Not. STELLA MOYA de MORBIDELLI  
SECRETARIA-2da. CIRCUNSCRIPCION





ACTUACION NOTARIAL



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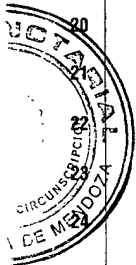
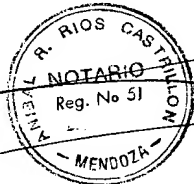
onde a la Legalización

14946

NOTARIAL 2da. CIRC.

1 Asto.: **CERTIFICACIÓN DE FIRMA**2 Ref.: **ANGEL ANTONIO GARGIULO**3 Obj.: **PRESENTAR ANTE QUIEN CORRESPONDA**

4 \*\*\*\*\***CERTIFICO**, en mi calidad de Doctor en Derecho y  
 5 Notario Público Nacional, Titular del Registro Número cincuenta y uno, con domicilio en calle Almafuerte 60,  
 6 primer piso de esta Ciudad, que la firma inserta en el legajo adjunto, constante de 2(dos) fojas útiles, pertenece  
 7 al señor **ÁNGEL ANTONIO GARGIULO**, argentino, D.N.I.Nº 6.842.804, casado en segundas nupcias con la  
 8 señora Patricia Margarita GRANT, domiciliado en Calle Servando Butti Nº77, de esta ciudad, de conformidad  
 9 al requerimiento formulado por el nombrado, mediante acta número 333, fojas 333, del Libro 5, de  
 10 Requerimientos para Certificaciones de firmas, a mi cargo.- A solicitud de la parte interesada y para su  
 11 presentación ante quien corresponda, expido la presente certificación, en la Ciudad de **San Rafael, Provincia**  
 12 de Mendoza, República Argentina, a **VEINTISEIS** días del mes de **JULIO** del año dos mil uno.-



IVI

Attorney's Docket No. W-3908**PATENT****IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**☒ In re application of: **ANGEL A. GARGIULO**

Group No.

Serial No.: 0 /

Examiner:

Filed:

For: **GRAPEVINE "90-3437"** Issued :☐ Patent No.:

*\*NOTE: Insert name(s) of inventor(s) and title also for patent. Where submission is with respect to a maintenance fee payment also insert application serial number and filing date and mark Form Box M. Fee.*

**Commissioner of Patents and Trademarks**  
**Washington, D.C. 20231**

**SUBMISSION OF VERIFIED STATEMENT(S) TO ESTABLISH  
SMALL ENTITY STATUS**

The attached statement is being submitted to establish small entity status in this

☒ application☐ patent

by the:

*(check all applicable boxes below)*

- a. ☒ independent inventor(s) 37 CFR 1.9(c) and 1.27(b)
- b. ☒ non-inventor supporting claim by another 37 CFR 1.9(c) and 1.27(b)

**CERTIFICATE OF MAILING/TRANSMISSION (37 CFR 1.8a)**

I hereby certify that this correspondence is, on the date shown below, being:

**MAILING****FACSIMILE**

☒ deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to the Commissioner of Patents and Trademarks, Washington, D.C. 20231

Date: 8/22/01**Express Mail**Label No. EM440646734US

☐ transmitted by facsimile to the Patent and Trademark Office

Signature

Rodney K. Worrel*(type or print name of person certifying)*

(Submission of Verified Statement(s) to Establish Small Entity Status[7-11])

T02280" T645E660

(Submission of Verified Statement(s) to Establish Small Entity Status(7-11))

- c. ☐ small business concern  
d. ☐ non-profit organization

37 CFR 1.9(d) and 1.27(c)

37 CFR 1.9(e) and 1.27(d)

  
SIGNATURE OF ATTORNEY

Reg. No. 27,475

Rodney K. Worrel

(Type or print name of attorney)

Tél. No. (559) 431-4391

St. Croix Professional Center  
2109 W. Bullard Avenue, Suite 121

(P.O. Address)

Fresno, California 93711-1258

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T0E280" F6H5E660

**LEGALIZADO**

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No. **114947**

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<b>VERIFIED STATEMENT CLAIMING SMALL ENTITY STATUS</b> (37 CFR 1.9(f) & 1.27(b))—INDEPENDENT INVENTOR	Docket Number (Optional) <b>W-3908</b>
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Applicant or Patentee: ANGEL A. GARGIULO

Application or Patent No.: \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

Title: GRAPEVINE "90-3437"

As a below named inventor, I hereby declare that I qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying reduced fees to the Patent and Trademark Office described in:

- ☒ the specification filed herewith with title as listed above.
- ☐ the application identified above.
- ☐ the patent identified above.

I have not assigned, granted, conveyed, or licensed, and am under no obligation under contract or law to assign, grant, convey, or license, any rights in the invention to any person who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern, or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

- ☐ No such person, concern, or organization exists.
- ☒ Each such person, concern, or organization is listed below.  
**LUIS M. CARATAN**  
**Route 2, Box 258**  
**Delano, California 93215, U.S.A.**

Separate verified statements are required from each named person, concern, or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b))

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

<b>ANGEL A. GARGIULO</b> NAME OF INVENTOR _____ Signature of inventor _____ Date	_____ NAME OF INVENTOR _____ Signature of inventor _____ Date	_____ NAME OF INVENTOR _____ Signature of inventor _____ Date
---	--	--

Correspondencia notarial - T0E280" T645E660  
NOTARIO  
Reg. No 51  
R. RIOS CASTRIL  
MENDOZA

Attorney's Docket No. W-3908**PATENT**Applicant or Patentee: ANGEL A. GARGIULO

Serial or Patent No.: 0 / \_\_\_\_\_

Filed or Issued: \_\_\_\_\_

For: GRAPEVINE "90-3437"**VERIFIED STATEMENT (DECLARATION) BY A NON-INVENTOR  
SUPPORTING A CLAIM BY ANOTHER FOR SMALL ENTITY STATUS**

I hereby declare that I am making this verified statement to support a claim by

LUIS M. CARATAN

for small entity status for purposes of paying reduced fees under Section 41(a) and (b) of Title 35, United States Code, with regard to the invention entitled \_\_\_\_\_

GRAPEVINE "90-3437"

by inventor(s)

ANGEL A. GARGIULO

described in

☒ the specification filed herewith.☐ application serial no. 0 / \_\_\_\_\_, filed \_\_\_\_\_.☐ patent no. \_\_\_\_\_, issued \_\_\_\_\_.

I hereby declare that I would qualify as an independent inventor as defined in 37 CFR 1.9(c) for purposes of paying fees under Section 41(a) and (b) of Title 35, United States Code, if I had made the above identified invention.

I have not assigned, granted, conveyed or licensed and am under no obligation under contract or law to assign, grant, convey or license, any rights in the invention to any person who could not be classified as an independent inventor under 37 CFR 1.9(c) if that person had made the invention, or to any concern which would not qualify as a small business concern under 37 CFR 1.9(d) or a nonprofit organization under 37 CFR 1.9(e).

Each person, concern or organization to which I have assigned, granted, conveyed, or licensed or am under an obligation under contract or law to assign, grant, convey, or license any rights in the invention is listed below:

☒ no such person, concern, or organization☐ persons, concerns or organizations listed below\*

\*NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27).

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL ☐ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

(Small Entity—Non-Inventor Supporting Claim [7-2]—page 1 of 2)

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FULL NAME \_\_\_\_\_

ADDRESS \_\_\_\_\_

☐ INDIVIDUAL    ☐ SMALL BUSINESS CONCERN    ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING LUIS M. CARATAN

ADDRESS OF PERSON SIGNING Route 2, Box 258

Delano, California 93215

SIGNATURE \_\_\_\_\_

Luis M. Caratan 7/14/01

(Small Entity—Non-Inventor Supporting Claim [7-2]—page 2 of 2)

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N° 000114947



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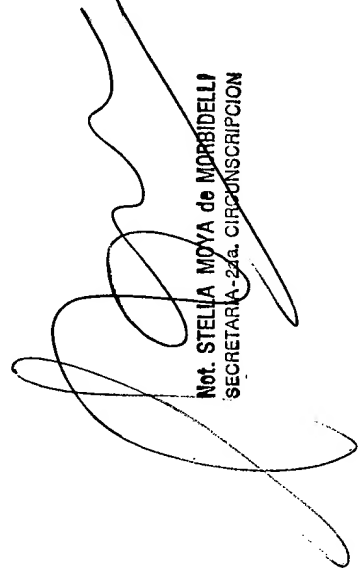


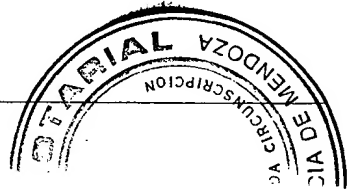
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G A L I Z A D O
onde a la Legalización
<b>4947</b>
NOTARIAL 2da. CIRC.

EL COLEGIO NOTARIAL de Mendoza, República Argentina, en virtud de las facultades que le acuerdan las Leyes vigentes, LEGALIZA la firma y el sello del Notario **ANIBAL R. RIOS CASTRILLON** obrantes en el documento anexo, presentado en el día de la fecha bajo el N° 00784.158 Serie H: La presente legalización no juzga sobre el contenido y forma del documento.-

Mendoza, San Rafael, 27 de Julio de 2001

  
Not. STELIA MOYA de MORBIDELLI  
SECRETARIA-2da. CIRCUNSCRIPCION



00035491 - 002301



ALIZADO

e a la Legalización

4047

OTARIAL Cda. CIRC.

1 **Asto.:- CERTIFICACIÓN DE FIRMA**2 **Ref.:- ANGEL ANTONIO GARGIULO**3 **Obj.:- PRESENTAR ANTE QUIEN CORRESPONDA**

4 \*\*\*\*\***CERTIFICO**, en mi calidad de Doctor en Derecho y  
 5 Notario Público Nacional, Titular del Registro Número cincuenta y uno, con domicilio en calle Almafuerte 60,  
 6 primer piso de esta Ciudad, que la firma inserta en el instrumento adjunto, pertenece al señor **ÁNGEL**  
 7 **ANTONIO GARGIULO**, argentino, D.N.I.Nº 6.842.804, casado en segundas nupcias con la señora Patricia  
 8 Margarita GRANT, domiciliado en Calle Servando Butti Nº77, de esta ciudad, de conformidad al  
 9 requerimiento formulado por el nombrado, mediante acta número 333, fojas 333, del Libro 5, de  
 10 Requerimientos para Certificaciones de firmas, a mi cargo.- A solicitud de la parte interesada y para su  
 11 presentación ante quien corresponda, expido la presente certificación, en la Ciudad de **San Rafael, Provincia**  
 12 de **Mendoza, República Argentina**, a **VEINTISEIS** días del mes de **JULIO** del año dos mil uno.-

